IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 3571 of 2004(A)

PETITIONERS:
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1. KUMARI ANANDA DEVI, AGED 55 YEARS,
W/O. RAMAN NAMBOODIRI, HEADMISTRESS (RETD.)
MOOTHEDATH HIGH SCHOOL, TALIPARAMBA (RESIDING
AT KAMYAKA, CHIRAVAKKU WEST) P.O. TALIPARAMBA,
KANNUR DISTRICT.

2. K.P. REGHU RAMAN, AGED 48 YEARS,
S/O. V.P. APPA PODUVAL, HIGH SCHOOL ASSISTANT
(PHYSICAL SCIENCE) S.A.B.T.M. HIGH SCHOOL,
P..O. THAINERI, PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.E.S.ASHRAF

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, FINANCE (PRU-I)
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT
GENERAL EDUCATION (A) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION
KANNUR P.O., KANNUR-2.

4. THE DISTRICT EDUCATIONAL OFFICER,
KANNUR, P.O. KANNUR.

BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3571/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AUDIT OBJECTION IN FAVOUR OF THE P1.

EXT.P2. COPY OF THE ORDER NO. B2/1730/2003 OF THE R4 DT. 28/2/2003.

EXT.P3. COPY OF THE ORDER NO. 65419/PRC-C1/94/FIN DT. 25/10/94 OF THE GOVT.

EXT.P4. COPY OF THE ORDER NO. 72339/PRU/1/95/FIN OF THE GOVT. DT. 26/12/95.

EXT.P5. COPY OF THE JUDGMENT IN WPC NO. 19597/2001 OF THIS COURT DT. 5/11/2002.

EXT.P6. COPY OF THE ORDER NO. 74729/PRU 1/2003 FIN OF THE GOVT. IN FAVOUR OF THE P1 DT. 26/11/2003.

EXT.P6A. COPY OF THE -DO- OF THE P2 DT. 26/11/2003.

EXT.P7. COPY OF THE GO P NO. 206/2003/FIN OF THE GOVERNMENT DT. 5/4/2003.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE GO P NO. 101/80/167/FIN DT. 30/1/1980.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.3571 of 2004

Dated 28th February, 2007.

J U D G M E N T

The issue raised in this writ petition regarding date of effect of re-option is covered in favour of the petitioners by the decision of this Court reported in **State of Kerala v. Lissy Joseph** (2005(4) KLT SN 70(Case No.97), wherein it has been held that the re-option has to take effect from the date opted by the incumbents and not the date of making the re-option. Therefore, the impugned orders are quashed and the writ petition is allowed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.